

E-Filed on 1/18/08

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
EIGHTH OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE ONE POINT
STREET, LLC – HFA NORTH
YONKERS LOAN; AND
CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE
POINT STREET, LLC – HFA NORTH YONKERS LOAN BECAUSE THE
USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR
YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT**

1 **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**
2 **INVESTMENT IN A DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Eighth Omnibus Objection to Proofs of Claim Based
9 Upon Investment in the One Point Street, LLC – HFA North Yonkers Loan (the
10 “Objection”). Your Proof of Claim number and other information regarding your claim is
11 provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested that this
12 Court enter an order, pursuant to section 502 of title 11 of the United States Code (the
13 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
14 “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is based upon an
15 investment in the One Point Street, LLC – HFA North Yonkers Loan. The Objection will
16 not impact your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
20 **February 21, 2008, at the hour of 9:30 a.m.**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON February**
22 **21, 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
26 by February 13, 2008 pursuant to Local Rule 3007(b), which states:

1 If an objection to a claim is opposed, a written response must be filed and
2 served on the objecting party at least 5 business days before the scheduled
3 hearing. A response is deemed sufficient if it states that written
4 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

5 If you object to the relief requested, you *must* file a **WRITTEN** response to this
6 pleading with the Court. You *must* also serve your written response on the person who
7 sent you this notice.

8 If you do not file a written response with the Court, or if you do not serve your
9 written response on the person who sent you this notice, then:

- 10 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 11 • The Court may *rule against you* and sustain the objection without formally
12 calling the matter at the hearing.

13 Dated: January 18, 2008

14 LEWIS AND ROCA LLP

15 By /s/ Rob Charles (#6593)

16 Susan M. Freeman, AZ 4199 (*pro hac vice*)

17 Rob Charles, NV 6593

18 John C. Hinderaker, AZ 18024 (*pro hac vice*)

19 3993 Howard Hughes Parkway, Suite 600

20 Las Vegas, Nevada 89169

Telephone: (702) 949-8200

Facsimile: (702) 949-8398

E-mail: rcharles@lrlaw.com

Attorneys for the USACM Liquidating Trust

21 Copy of the foregoing mailed by first class
22 Postage prepaid U.S. Mail on
January 18, 2008 to:

23 Parties listed on Exhibit A attached.

24 s/Renee L. Creswell

25 Renee L. Creswell
26